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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,903	03/06/2002	Minoru Hato	MAT-8230US	9193
23122	7590	08/16/2004	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			NGUYEN, JIMMY H	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,903

Applicant(s)

HATO ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 06/07/2004 (entered into the file wrapper as Paper No. 8). Claims 1-10 are currently pending in the application. An action follows below:

Specification

2. The rewritten paragraph, see page 2 of the amendment filed on 6/7/04, is not entered because the rewritten disclosure is not a complete paragraph.

3. The disclosure is objected to because of the following informalities: the paragraph beginning at page 3, line 11 is not a completed paragraph.

Appropriate correction is required.

Claim Objections

4. Claims 3 and 8 are objected to under 37 CFR 1.75(a) because although these claims meet the requirement 112/2d, i.e., the metes and bounds are determinable, however, the following changes should be made:

i. claim 3, --light emitting-- should be inserted immediately after "first" in line 9 and "second" in line 10, so as to make the claimed features consistent with their antecedent basis, and

ii. claim 8, "EL", in line 3, should be changed to -- electroluminescent (EL)--, as best understood by examiner, so as to define the subject matter which applicant regards as the claimed invention.

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It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding to claim 8, the disclosure, when filed, does not fairly contain information regarding to the claimed feature, “said pushbutton including a movable contact”, of claim 8, see line 5. The disclosure, specifically fig. 1 and the description, page 4, lines 17-27, expressly discloses a movable contact 4A included in a switch device 2 rather than a pushbutton 1 as presently claimed. Further see new claims 9 and 10. Accordingly, the original disclosure does not fairly convey to one of ordinary skill in the art that inventor(s) had in their possession the above underlined features presently recited in claim 8.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 4, 5 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Inubushi et al. (USPN: 5,901,834), hereinafter Inubushi.

As per claims 1, 4, 5, 9 and 10, the claimed invention reads on the Inubushi reference as follows: Inubushi discloses a conventional portable telephone (see fig. 23) comprising a lighting apparatus (see fig. 24) which comprises a lighting unit including a switch device (a device including elements 19, 20, 22 and 23, see fig. 24), a pushbutton (a key button 4, fig. 24) provided to above the switch device (19, 20, 22, 23) and an EL device (an EL panel 11, fig. 24), and a control circuit (a printed circuit board 21) coupled to the lighting unit, and applying an ac voltage between electrodes of the EL device, for controlling light emission from the EL panel (11) to illuminate the pushbutton (4) (see col. 1, line 64 through col. 2, line 32). As noting in figs. 23-24, Inubushi further teaches the conventional EL device (11) including a plurality of light emitting sections, each corresponding to each pushbutton (4) and including an optically transparent electrode layer (a transparent electrode layer 13, fig. 24), a backplate layer (a rear electrode layer 16), an optically transparent insulating base (a transparent base film 12), a first light emitting layer (a light emitting layer 14) and a dielectric layer (15). As noting in fig. 24, Inubushi further teaches the conventional switching device (19, 20, 22 and 23) including a movable contact (an upper contact 20, col. 1, lines 62-64) and the EL device (11) located between a top (4a) of the pushbutton (4) and the movable contact (20). Accordingly, the elements in the claims are read in the Inubushi reference.

As per claim 8, the claimed invention reads on the Inubushi reference as follows:
Inubushi discloses a conventional portable telephone (see fig. 23) comprising a lighting

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apparatus (see fig. 24) which comprises a lighting unit including a pushbutton (a pushbutton including elements 4, 10, 19, 20, 22 and 23, see fig. 24) and an EL device (an EL panel 11, fig. 24), and a control circuit (a printed circuit board 21) coupled to the lighting unit, and applying an ac voltage between electrodes of the EL device, for controlling light emission from the EL panel (11) to illuminate the pushbutton (see col. 1, line 64 through col. 2, line 32). As noting in fig. 24, Inubushi further teaches the conventional pushbutton (4, 10, 19, 20, 22 and 23) including a movable contact (an upper contact 20, col. 1, lines 62-64) and the EL device (11) located between a top (4a) of the pushbutton and the movable contact (20). Accordingly, the elements in the claim are read in the Inubushi reference.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inubushi, and further in view of Shibamoto et al. (USPN: 6,346,973 B1), hereinafter Shibamoto.

Regarding to claim 2 as applied to claim 1 above, as noting in fig. 23, Inubushi further teaches the conventional portable telephone including a display device (a LCD device 3) placed beside the pushbutton. Inubushi does not disclose expressly the EL device (11) comprising another light emitting section corresponding to the display device (3). Accordingly, Inubushi discloses all the claimed limitations except for another light emitting section corresponding to the display device as presently claimed.

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However, Shibamoto expressly teaches the EL device (2) comprising another light emitting section (a section which is a part of EL panel 2 and disposed directly below the LCD display device 21, see fig. 2) corresponding to a display device (a LCD device 21). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide another light emitting section in the conventional EL device disclosed by Inubushi, in view of the teaching in the Shibamoto reference, because this would provide both the display device and the operational panel illuminated by a single thin EL device, thereby simplifying a mounting structure and reduce the size of the electronic device, as taught by Shibamoto (see col. 1, lines 33-53).

Regarding to claim 6, because this claim recites the limitations, which are recited in claims 2 and 4, this claim is therefore rejected for the same reasons as set forth in claims 2 and 4 above.

Regarding to claim 7, because this claim recites the limitations, which are recited in claims 6 and 5, this claim is therefore rejected for the same reasons as set forth in claims 6 and 5 above.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inubushi as applied to claim 1 above, and further in view of Barrow et al. (USPN: 4,719,385), hereinafter Barrow.

Regarding to claim 3 as applied to claim 1 above, as noting in fig. 24, Inubushi further teaches the first light emitting layer (14) provided between the optically transparent electrode layer (13) and the backplate layer (16). Accordingly, Inubushi discloses all the claimed

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limitations except for an optically transparent intermediate electrode layer and a second light emitting layer, in the manner as recited in claim 3.

However, Barrow discloses expressly an EL device comprising an optically transparent intermediate electrode layer (16) laminated between the optically transparent electrode layer (15) and the backplate layer (26), a first light emitting layer (12) provided between the optically transparent electrode layer (15) and optically transparent intermediate electrode layer (16), and a second light emitting layer (22) provided between the optically transparent intermediate electrode layer (16) and the backplate layer (26). See fig. 2, col. 2, lines 35-64. Barrow further teaches the first light emitting layer (12) emitting light in different color for the second layer (22), thereby providing a reliable, high performance multi-color device (col. 1, lines 57-59, and col. 3, lines 18-22). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide an optically transparent intermediate electrode layer and a second light emitting layer, in the conventional EL device disclosed by Inubushi, in view of the teaching in the Barrow reference, because this would provide a reliable, high performance multi-color device, as taught by Barrow (col. 1, lines 57-59, and col. 3, lines 18-22).

Response to Arguments

12. Applicants' arguments, see pages 7-8 of the amendment filed on 6/7/04, with respect to all independent claims have been considered but are moot in view of the new ground(s) of rejection.

13. It is noted Applicant that the drawing objection, the claim objections to claims 1, 4 and 6, the specification objection and the rejection under 35 USC 112, first and second paragraphs, in the last Office action dated 3/4/2004, are withdrawn in view of the amendment filed on 6/7/04.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

JHN
August 10, 2004



Jimmy H. Nguyen
Examiner
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